REMARKS

Claims 1-3 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. The rejection detailed in paragraph 3 of the "Detailed Action" is directed to language which relates to language in Claim 1 containing the phrase "which covers around ..." at lines 8-10 of the claim. That language has now been deleted, and applicants request that the rejection be withdrawn.

Claims 1-3 were also rejected under 35 U.S.C. § 103(a) over Ichibori et al. (1796) in view of Mori et al. ('093). The rejection is detailed at pages 3-6 of the "Detailed Action". Applicants request reconsideration of that rejection (based on amended Claims 1-3).

Flame resistance of a union fabric is determined here by French NF-P 92-503 combustion test. In this combustion test, fabric samples are brought into contact with a burner flame while heating with electric heater. The test is a very rigorous one wherein samples are heated with electric heater. A test sample that passes French NF-P 92-503 combustion test is understood to have a high degree of flame resistance. The union fabric of the claimed invention has excellent flame resistance that passes the highest level of the French NF-P 92-503 combustion test (Class M1). It's against that background that applicants request reconsideration.

As the Examiner points out, Ichibori et al. describes a flame resistant union fabric obtained by co-weaving two specifically defined yarns. The fabric includes 30% to 70% of (A) a fiber yarn that has, as a principal component, a halogen-containing flame resistance fiber including an antimony compound (25 parts to 50 parts) in an acrylic based copolymer (100 parts) consisting of acrylonitrile (30% to 70% by weight), a halogen containing vinyl based monomer (30% to 70%), and a vinyl based monomer copolymerizable therewith (0% to 10%). It also includes 70% to 30% of (B) a yarn consisting of a cellulosic fiber. What Ichibori et al. does not disclose or suggest is a compound yarn consisting of cellulosic fiber and a fiber having a melting temperature of 200°C to 400°C.

The claimed invention has excellent flame resistance when compared to the Ichibori et al. fabric. This is apparent from Example 1 and Comparative Example 2 in the specification of the present invention. The fabric of Example 1 embodies the present invention and has French NF-P 92-503 M1 class flame resistance. On the other hand the

fabric of Comparative Example 2 corresponds to Ichibori et al. and has French NF-P 92-503 M2 class flame resistance. Thus the fabric of the present invention has better flame resistance compared to the fabric of Ichibori et al. This advantageous effect, possessed by the present invention, cannot be predicted from Ichibori et al. because Ichibori et al. is silent about the improvement of flame resistance due to a compound yarn consisting of a cellulosic fiber and a fiber melting at temperatures of 200 degrees C to 400 degrees.

Mori et al. describe the purposes of their fabric as being to improve weft bar, high-quality appearance, shrinkage and strength by using a fiber having a melting temperature of 200° C to 240°C. Furthermore, Mori et al. describe the composite crimped yarn of the fabric as disclosing the sheath/core structure, which is shown in Fig. 1, consisting of synthetic filament 2 as a core component and cellulosic filament 1 as a sheath component. This type of structure performs the advantageous effects described above after post-treatment. However, Mori et al. are silent about the flame resistance of knitted fabric. Accordingly, applicants submit that an ordinarily skilled practioner could not predict the advantageous effect of the present invention, even when combining Ichibori et al. and Mori et al.

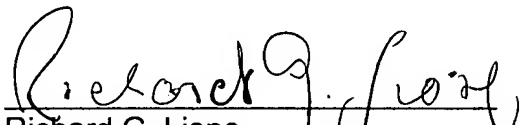
The examiner states in the Office Action, as follows.

> The applicant appears to be arguing unexpected results by asserting that Mori does not teach or suggest that the melting fiber may cover around the halogen-containing flame resistant fiber to improve heat resistance of the fabric, but the applicant fails to show, or attempt to show, that the increase of heat resistance is unexpected or that the increase of heat resistance is unexpected to a level sufficient to rebut prima facie obviousness. The discovery of an undisclosed property of a known material does not provide a patentable distinction over the art of record.

Applicants submit that Example 1 and Comparative Example 2 in the specification of the present invention clearly show unexpected results. Although examples of in the specification of the present invention do not show the improvement of heat resistance of the union fabric, the improvement of flame resistance does show the unexpected result achieved by the present invention.

The claimed invention achieves fabric results not contemplated by the prior art in any way. As such, claims should be considered allowable.

Respectfully submitted,



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